

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EURIL NOBLES,

Plaintiff,

v.

QUALITY CORRECTIONAL CARE OF
MICHIGAN, et al.,

Defendants.

Case No. 1:21-cv-199

HON. JANE M. BECKERING

MEMORANDUM OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. This Court previously terminated two of the fourteen Defendants whom Plaintiff sued. The remaining Defendants¹ filed motions to dismiss. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that the motions be granted as to all but one Defendant. The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of the portion of the Report and Recommendation to which an objection has been made. The Court denies the objection and issues this Memorandum Opinion and Order.

¹ Defendant Quality Correctional Care of Michigan a/k/a Corizon was among the Defendants seeking dismissal. However, on February 20, 2023, Defendant Quality Correctional Care of Michigan a/k/a Corizon filed a Suggestion of Bankruptcy (ECF No. 117). Consequently, this Court stayed and administratively closed this case as to Defendant Quality Correctional Care of Michigan a/k/a Corizon, only (2/22/2023 Order, ECF No. 118).

In his Objection, Plaintiff challenges only the Magistrate Judge's conclusion as to Defendants Summer Laughhunn and Richard D. Russell (Pl. Obj., ECF No. 113 at PageID.1719–1720). Plaintiff argues that because the Magistrate Judge determined that these two Defendants did “not meet their burden” of establishing that Plaintiff's claims against them were time-barred, the Magistrate Judge erred in dismissing them from this case (*id.*, quoting R&R, ECF No. 109 at PageID.1373). Plaintiff's argument is misplaced. Plaintiff overlooks that the Magistrate Judge also determined that Plaintiff failed to state a plausible claim against either Defendant Laughhunn or Defendant Russell. *See* R&R, ECF No. 109 at PageID.1376–1377. Therefore, Plaintiff's objection fails to demonstrate any error in the Magistrate Judge's ultimate conclusion to dismiss these two Defendants. Accordingly:

IT IS HEREBY ORDERED that the Objection (ECF No. 113) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 109) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the August 24, 2022 Motion to Dismiss (ECF No. 70) is GRANTED, and Defendants Daniel Spitters, Wilfredo Gamez, and Peter Sices are TERMINATED from this case.

IT IS FURTHER ORDERED that the October 24, 2022 Motion to Dismiss (ECF No. 82) is GRANTED IN PART and DENIED IN PART. Specifically, the motion is granted as to Defendants Sherri Castenholz, Mark Karnitz, Kathleen R. Kilmowicz, Patricia Lamb, Summer Laughhunn, Richard D. Russell, and Lisa M. Willea, who are TERMINATED from this case; the motion is denied as to Defendant Jill Britton.

Dated: February 22, 2023

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge